### **INSTRUCTIONS**

- "And" as well as "or" shall be construed either disjunctively or conjunctively as 1. necessary to bring within the scope of this request all responses that might otherwise be construed to be outside of its scope.
- References to the singular shall include the plural, and references to the plural 2 shall include the singular.
- The documents covered by this request include all documents in the possession, 3. custody or control of you, or any documents that were generated or received by you or otherwise came into existence or were utilized by you from October 1, 2003 through the date of production.
- A request for a document shall be deemed to include a request for any transmittal 4. sheets, cover letters, exhibits, enclosures, or attachments to the document, and any file folder in which the document was maintained, in addition to the document itself.
- A request for a document shall be deemed to include a request for all drafts and 5. successive iterations thereof and all modifications thereto, in addition to the document itself.
- With respect to each document withheld from production on the ground of б. privilege or any similar claim, identify its author(s), recipient(s), addressee(s), date, subject matter, number of pages, attachments or appendices, present custodian, and identify the nature of, and grounds for, each claim of privilege.
- If any of the documents requested herein were, but no longer are, in the 7. possession, custody, or control of you, state what disposition was made of such documents, why, and include the date and place of disposition and the person(s) who disposed of the document(s).
- The documents shall be produced in the order and form in which they have been maintained and the response hereto shall identify the individual from whose file(s), and indicate in response to which request, the document has been produced.

### Exhibit E

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# United States Bankruptcy Court SOUTHERN DISTRICT OF NEW YORK

in re Northwestern Corporation, Reorganized Debtor	SUBPOENA IN  AN ADVERSARY PROCEEDING  Çaşe No. 03-12872 (JLP)  Chapter 11  Pending in the U.S. Benkruptcy Court  for the District of Delaware
Northwestern Corporation, Plaintiff V. Maglen Asset Management Corporation and Talton R. Embry, Defendants	Adv. Proc. No. 04-55051 Pending in the U.S. Bankruptcy Gourt for the District of Delaware
To: Houlihan Lokey Howard & Zukin by person de 245 Park Avenue New York, NY 10167  YOU ARE COMMANDED to appear in the United Specified below to testify in the above adversary process.	States Bankruptcy Court at the place, date, and time seding.
PLACE	COURTROOM  DATE AND TIME
	date, and time specified below to testify at the taking of a
deposition in the above adversary proceeding.  PLACE Fried, Frank, Harris, Shriver & Jacobson LLI One New York Plaza New York, NY 10004	P DATE AND TIME January 18, 2005 at 10:00 e.m.
YOU ARE COMMANDED to produce and permit is objects at the place, date, and time specified below (little).	inspection and copying of the following documents or st dipcuments or objects): See attached Schedule B
PLACE Fried, Frank, Harris, Shriver & Jacobson LL One New York Plaza New York, NY 10004	DATE AND TIME  January 4, 2005 at 10:00 a.m.
☐ YOU ARE COMMANDED to permit inspection of the	he following premisos at the date and time specified below.
PLACE	DATE AND TIME
Any subpoensed organization not a party to this adver- directors, or managing agents, or other persons who of person designated, the matters on which the person ventures adversary proceedings by Rule 7030, Fed.R.Benkr.P.	rsany proceeding shall designate one or more officers, consent to testify on its behalf, and may set forth, for each vill testify, Fed.R.Civ.P. 30(b)(6) made applicable in
ISSUING OFFICER SIGNATURE AND VITLE Attorney for Defendants	DATE 12/13/04
ISSUING OFFICER'S NAME, ADORESS AND PHONE NUMBER/ Bonnie Steingart, Esq. Fried, Frank, Harris, Shriver & Jacobson LLP One New York Plaza New York, NY 10004 (212) 859-8000	:
10000	

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	PRC	OF OF SERVICE
<b>V</b>	DATE	PLACE
SERVED		
SÉRVED ON (PRINT NAMÉ)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TMLE
DECLARATION OF SERVER		
I declare under penalty and perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.		
Executed on	DATE	SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

- (c) PROTECTION OF PERSONS SUBJECT TO SUBPOEMAS.
- (1) A party or an attumey responsible for the issuance and service of a subposing shall take reasonable steps to avoid imposing unduo burden or expanse on a person subject to that subposine. The court on behalf of which the subposine was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sention, which may include, but is not limited to tool contrings and a reasonable attorney's fee.
- chi appropriate sentition, which may include, but is not limited to loct contrings and a macenable afformative sention, which may include, but is not limited to loct contrings and a macenable afformative framework or tangible triings, or inspection of premises need not oppose in person at this place of production or impection unless commanded to appear for deposition, hearing or trial.

  (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subposes or before the first specified for compliance if such time is less than 14 days after service, serve upon the party or ollowing designated in the subposes within objection to inspect on or copying of any or all of the designated materials or of the permises. If objection is made, the party serving the subposes which not be entitled to inspect and copy the materials or inspect the promises except pursuant to an order of the could by which the subposes was tested. If objection has been made the party certified by producing the production. Such an order to compel production sizel protect any person who is not a party or on officer of a party from significant expense resulting from the inspection and copying commanded.

  3(A) On timely motion, this count by which a subposes a faciled shall outsait or modify the subposes [if]
  - 3(A) On timely motion, the court by which a subpound was issued shall quash or modify the subpound if it
    - (i) falls to slow reasonable time for compliance:
  - (ii) requires a parson who is not a party or an officer of a party to travel to a piece more that 100 miles from the place where that person resides, in employed or regularly transacts business in person, except that, subject to the provisions of clause (c/(3)/(8)/(iii) of this rule such a person may in order to attend trial be commanded to bavel from any such piece within the state in which the trial is held, or
    - (iii) requires disclorure of phylioged of other protected matter and no exception or waiver applies, or
    - (iv) subjects a porson to undua burden
  - (B) il a subpoona
    - (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
  - requires disclosure of an unrelatined experts opinion or in-formation not describing specific events or occurrences in dispute and resulting from the experts study made not at the request of any party, or
  - (iii) requires a person who is not a party or an officer of a party to incur substantial expanse to travel more than 100 miles to at lend trial, the court may, to protect a person subject to or affected by the subpoons, quasin or modify the subpoons, or, if the party in whose behalf the subpoons is issued shows a substantial need for the testimony or material that cannot be otherwise met without under hardship and assures that the porton to whom the subpoons is addressed with be reasonably compensated, the court may order appearances or production only upon specified conditions.
- (d) DUTIES IN RESPONDING TO SUBPORNA.
- (1) A parion responding to a subpost to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the domand.
- (2) When information subject to a subposes is withhold on a claim that it is privileged or subject to protection as trial propagation materials, the claim shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the domaining party to contest the claim.

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### Schedule A

On January 18, 2005 at 10:00 a.m. E.S.T. at the office of Fried, Frank, Harris, Shriver & Jacobson LLP, One New York Plaza, New York, New York the attorneys for Magten Asset Management Corporation and Talton R. Embry will take the deposition of a representative or representatives of Houlihan Lokey Howard & Zukin ("Houlihan"), pursuant to Fed. R. Civ. P. 30(b)(6) made applicable by Fed. R. Bankr. P. 7030, upon oral examination before a notary public, or some other official authorized by law to take depositions. The deposition shall be recorded by stenographic means and/or by videotape. The oral examination will continue from day to day until completed.

This deposition is being taken for pre-trial discovery, for use at trial, and for such other purposes as permitted by law. You are invited to attend and take such part as fit and proper. The deponent is hereby advised of its duty to designate and produce one or more persons to testify on its behalf as to the matters of examination listed below for the time period October 1, 2003 to the present:

- 1. The chapter 11 case of NorthWestern Corporation, including, but not limited to those issues related to or involving the Committee or either Defendant.
- 2. Any confidential or non-public documents concerning NorthWestern Corporation provided to either Defendant.
- Any communications concerning confidential or non-public information, 3. documents or communications provided to or discussed with either Defendant concerning NorthWestern Corporation
- Any and all documents, communications or documents relating to 4. communications concerning, involving, or relating to Defendants, Defendants' purchases and sales of QUIPS, or Defendants' involvement with the Committee.
- Any actual or potential damages or injury suffered by the Committee, any 5. member of the Committee, or any creditor of NorthWestern Corporation as a result of the acts or omissions alleged in the Complaint.

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- 6. The meetings or teleconferences of the Committee, including, but not limited to meetings or teleconferences between the Committee and third parties or between the Committee and NorthWestern Corporation, and any materials distributed at or in preparation for such meetings or teleconferences, and any documents related to or communications concerning such meetings or teleconferences.
  - 7. The compliance or lack thereof of any person subject to the Trading Order.
- 8. The compliance or lack thereof of any person subject to the Confidentiality Agreement.
- 9. Your knowledge of communications in this case between you and any other Person, including but not limited to NorthWestern Corporation, the Committee or any member of the Committee, concerning involving or relating to either Defendant.
- 10. The efforts undertaken to respond to the request for documents set out in Schedule B to this Subpoena and the contents of those responsive documents.

### Schedule B

- All documents relating to or referring to communications between Houliban and either Defendant.
- All non-public, confidential documents concerning NorthWestern Corporation provided to either Defendant.
- All documents relating to or referring to communications between Houlihan and any other party relating to either Defendant.
- All documents and communications relating to the purchase or sale of the QUIPS by either Defendant.
- All documents relating to and communications referring to the purchase or sale of securities of NorthWestern Corporation by members of the Committee.
- 6. All documents relating to and communications referring to the compliance or lack thereof with the Trading Order by and person subject to the Trading Order.

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- 7. All documents relating to or communications concerning the purchase or sale of any securities of NorthWestern Corporation (including, without limitation, QUIPS) by Defendants or any other creditor that NorthWestern Corporation contends resulted in injury to any creditor of NorthWestern Corporation between October 1, 2003 and the present.
- 8. All documents relating to or communications concerning any damages or injury suffered by any creditor of NorthWestern Corporation, which damages and injuries NorthWestern Corporation purports to allege in the Adversary Proceeding.
- 9. All documents relating to or communications concerning the identity of any creditor of NorthWestern Corporation that has suffered damages or injuries, which damages and injuries NorthWestern Corporation purports to allege in the Adversary Proceeding.
- All documents relating to communications regarding the Confidentiality
   Agreement.
  - 11. All documents relating to and communications regarding the Trading Order.
- 12. All documents relating to and communications regarding the Magten Proposed Trading Order.

### DEFINITIONS

The terms used herein shall have the meanings ascribed to them in the definitions set forth below:

- 1. "Affiliates" means any person or entity controlled by, controlling or under common control with any other person or entity.
  - 2. "All" means "any and all," and "any" means "any and all."
- 3. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- 4. "Committee" shall mean the Official Committee of Unsecured Creditors of
  NorthWestern Corporation, and each individual member of the Committee, which members were
  initially appointed by the United States Trustee on October 1, 2003, and as such membership has

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changed from time to time and shall include agents, representatives, advisors and attorneys of the Committee.

- 5. "Concerning" includes referring to, relating to, embodying, in connection with, commenting on, responding to, showing, demonstrating, declaring, describing, analyzing, reflecting, containing or constituting.
- 6. "Confidentiality Agreement" shall mean that certain agreement executed by the members of the Committee dated as of December 18, 2003.
  - 7. "Defendants" shall mean Embry and Magten,
- 8. "Document" is used in the broadest sense and includes, but is not limited to, all originals, non-identical copies and copies with marginal notations or interlineations of any writing, recording, correspondence, communication, photograph, computer data (including email), or any other item containing information of any kind or nature, however produced or reproduced, whatever its origin or location, and regardless of the form in which such information exists or is maintained.
- 9. "Documents relating to" means documents containing, constituting, showing or relating or referring in any way, directly or indirectly, and is meant to include, among other documents, documents underlying, supporting, now or previously attached or appended to, or used in the preparation of any document called for by each request.
- "Embry" shall mean Talton R. Embry in his capacity as Chairman of Magten, including but not limited to Embry's present and former employees, agents, representatives and attorneys.
- 11. "Houlihan" shall mean Houlihan Lokey Howard & Zukin, its Affiliates, and any person or entity acting or purporting to act on behalf of, at the direction of, or in concert with it, including but not limited to present and former officers, directors, employees, servants, agents, representatives and attorneys.
  - "Including" means including, but not limited to. 12.

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- 13. "Magten" shall mean Magten Asset Management Corporation and any person or entity acting or purporting to act on behalf of, at the direction of, or in concert with it, including but not limited to present and former officers, directors, employees, agents, representatives and attorneys.
- "Magten Proposed Trading Motion" shall mean that certain draft proposed motion 14. to clarify the Trading Order, together with any other draft documents in support thereof, including but not limited to a draft form of order, circulated on or about February 5, 2004.
- "NorthWestern Corporation" shall mean NorthWestern Corporation, its Affiliates and any parent, subsidiary, predecessor and successor, and any person or entity acting or purporting to act on behalf of, at the direction of, or in concert with it, including but not limited to NorthWestern Corporation's present and former officers, directors, employees, servants, agents, representatives, financial advisors and attorneys.
- 16. "Person" includes any natural person, group, investigatory body, governmental unit, governmental agency or department, corporation, association, partnership, limited partnership, joint venture, sole proprietorship, business, business entity, organization, or institution.
- 17. "QUIPS" shall mean the Series A 8.45% Quarterly Income Preferred Securities issued by Montana Capital I, a business trust established pursuant to the Delaware Business Trust Act.
- 18. "Trading Order" shall mean that certain order dated November 6, 2003 by the United States Bankruptcy Court for the District of Delaware Permitting Securities Trading Upon an Establishment of an Ethical Wall, and all documents filed in support thereof.

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### **INSTRUCTIONS**

- "And" as well as "or" shall be construed either disjunctively or conjunctively as
  necessary to bring within the scope of this request all responses that might otherwise be
  construed to be outside of its scope.
- 2. References to the singular shall include the plural, and references to the plural shall include the singular.
- 3. The documents covered by this request include all documents in the possession, custody or control of Houlihan, or any documents that were generated or received by Houlihan or otherwise came into existence or were utilized by Houlihan from October 1, 2003 through the date of production.
- 4. A request for a document shall be deemed to include a request for any transmittal sheets, cover letters, exhibits, enclosures, or attachments to the document, and any file folder in which the document was maintained, in addition to the document itself.
- 5. A request for a document shall be deemed to include a request for all drafts and successive iterations thereof and all modifications thereto, in addition to the document itself.
- 6. With respect to each document withheld from production on the ground of privilege or any similar claim, identify its author(s), recipient(s), addressee(s), date, subject matter, number of pages, attachments or appendices, present custodian, and identify the nature of, and grounds for, each claim of privilege.
- 7. If any of the documents requested herein were, but no longer are, in the possession, custody, or control of Houlihan, state what disposition was made of such documents, why, and include the date and place of disposition and the person(s) who disposed of the document(s).
- 8. The documents shall be produced in the order and form in which they have been maintained and the response hereto shall identify the individual from whose file(s), and indicate in response to which request, the document has been produced.

Case 1:05-cv-00548-JJF Document 27-3 Filed 02/16/2007 Page 11 of 49

Exhibit F

B255 (11/97) Subpoena In an Adversary Proceeding

# United States Bankruptcy Court SOUTHERN DISTRICT OF NEW YORK

In re Northwestern Corporation, Reorganized Debtor	SUBPOENA IN AN ADVERSARY PROCEEDING Case No. 03-12872 (JLP) Chapter 11 Pending in the U.S. Bankruptcy Court for the District of Delaware
Northwestern Corporation, Plaintiff V. Magten Asset Management Corporation and Talton R. Embry, Defendants	Adv. Proc. No. 04-55051 Pending in the U.S. Bankruptcy Court for the District of Delaware
To: HSBC Bank USA by person designated pursuan 10 East 40 <sup>th</sup> Street New York, NY 10016-0200  YOU ARE COMMANDED to appear in the United St specified below to testify in the above adversary proceed	ates Bankruptcy Court at the place, date, and time
PLACE	COURTROOM
	DATE AND TIME
YOU ARE COMMANDED to appear at the place, da deposition in the above adversary proceeding  PLACE Fried, Frank, Harris, Shriver & Jacobson II P.	
PLACE Fried, Frank, Harris, Shriver & Jacobson LLP One New York Plaza New York, NY 10004	DATE AND TIME January 20, 2005 at 1:00 p.m
YOU ARE COMMANDED to produce and permit ins objects at the place, date, and time specified below (list of	pection and copying of the following documents or documents or objects): See attached Schedule B
PLACE Fried, Frank, Harris. Shriver & Jacobson LLP One New York Plaza New York, NY 10004	January 4, 2005 at 10:00 a.m.
YOU ARE COMMANDED to permit inspection of the	following premises at the date and time specified below.
PLACE	DATE AND TIME
Any subpoenaed organization not a party to this adversa directors, or managing agents, or other persons who con person designated, the matters on which the person will adversary proceedings by Rule 7030. Fed R.Bankr P.	sent to testify on its behalf, and may set forth, for each
Allorney for Defendants former of Jac	1 DATE 12/13/04
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Bonnie Steingart, Esq. / Fried, Frank, Harris, Shriver & Jacobson LLP One New York Plaza New York, NY 10004	
(212) 859-8000	

#### B255 (11/97) Subpoena in an Adversary Proceeding

PROOF OF SERVICE		
SERVED DATE	PLACE	
SERVED ON (PRINT NAME)	MANNER OF SERVICE	
SERVED BY (PRINT NAME)	TITLE	
DECLARATION OF SERVER		
I declare under penalty and perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.		
Executed on	SIGNATURE OF SERVER	

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Paris C & D:

- (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.
- A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing unduo burden or expense on a person subject to that subpoens. The court on behalf of which the subpoens was issued shalf enforce this duty and impose upon the party or attempt in breach of this duty on appropriate senction, which may include, but is not limited to lost earnings and a reasonable attempt's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, decuments or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or that.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoona or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney dostgnated in the subpoona written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoona strail not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the count by which the subpoona was issued. If objection has been made the party serving the subpoona way issued. If objection has been made the party serving the subpoona way issued. If objection has been made the party serving the subpoona way issued. If objection has been made the party serving the subpoona way issued. If objection has been made the party serving the subpoona way issued. If objection has been made the party serving the subpoona way issued. If objection has been made the party serving the subpoona way issued. On the party or an officer of a party form slightificant expense resulting from the inspection and copying commanded.
  - 3(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
    - (I) fails to allow reasonable time for compliance:
  - (ii) requires a person who is not a party or an efficer of a party to travel to a place more that 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule such a person may in order to attend trial be commanded to travel from any such place within the state in which the state in which the state or
    - (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
    - (iv) subjects a person to undue burden
  - (B) If a subpoena
    - (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
  - requires disclosure of an unrelained experts opinion or in-formation not describing specific events or occurrences in dispute and resulting from the experts study made not at the request of any party, or
  - (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to at tend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial read for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearances or production only upon specified conditions.
- (d) DUTIES IN RESPONDING TO SUBPOENA.
- A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand
- (2) When information subject to a subpossa is withhold on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

### Schedule A

On January 20, 2005 at 1:00 p.m. E.S.T. at the office of Fried, Frank, Harris, Shriver & Jacobson LLP, One New York Plaza, New York, New York the attorneys for Magten Asset Management Corporation and Talton R. Embry will take the deposition of a representative or representatives of HSBC Bank USA, pursuant to Fed. R. Civ. P. 30(b)(6) made applicable by Fed. R. Bankr. P. 7030, upon oral examination before a Notary Public, or some other official authorized by law to take depositions. The deposition shall be recorded by stenographic means and/or by videotape. The oral examination will continue from day to day until completed.

This deposition is being taken for pre-trial discovery, for use at trial, and for such other purposes as permitted by law. You are invited to attend and take such part as fit and proper. The deponent is hereby advised of its duty to designate and produce one or more persons to testify on its behalf as to the matters of examination listed below for the time period October 1, 2003 to the present:

- 1. The chapter II case of NorthWestern Corporation, including, but not limited to those issues related to or involving the Committee or either Defendant.
- Any confidential or non-public documents concerning NorthWestern Corporation provided to either Defendant by you or the Committee.
- З. Any communications concerning confidential or non-public documents. information, or communications provided to or discussed with either Defendant concerning NorthWestern Corporation.
- Any and all documents, communications or documents relating to communications concerning, involving, or relating to Defendants, Defendants' purchases and sales of QUIPS, or Defendants' involvement with the Committee.
- 5. Any actual or potential damages or injury suffered by you or any creditor of NorthWestern Corporation as a result of the acts or omissions alleged in the Complaint.
- 6. The meetings or teleconferences of the Committee, including, but not limited to meetings or teleconferences between the Committee and third parties or between the Committee

and NorthWestern Corporation, and any materials distributed at or in preparation for such meetings or teleconferences, and any documents related to or communications concerning such meetings or teleconferences.

- Your compliance with the Trading Order and the compliance or lack thereof of 7. any person subject to the Trading Order.
- Your compliance with the Confidentiality Agreement and the compliance or lack 8. thereof of any person subject to the Confidentiality Agreement.
- 9. Your knowledge of communications in this case between you and any other Person, including but not limited to NorthWestern Corporation or the Committee, concerning involving or relating to either Defendant.
- Your purchases and sales of securities of or claims against NorthWestern 10. Corporation.
- The efforts undertaken to respond to the request for documents set out in 11. Schedule B to this Subpoena and the contents of those responsive documents.

#### Schedule B

- 1. All documents relating to or referring to communications between you and either Defendant.
- All non-public, confidential documents concerning NorthWestern Corporation 2. provided to either Defendant by you.
- 3 All documents relating to or referring to communications between you and any other party relating to either Defendant.
- 4 All documents and communications relating to the purchase or sale of the QUIPS by either Defendant.
- All documents relating to and communications referring to the purchase or sale of securities of NorthWestern Corporation by you.
- All documents relating to and communications referring to the compliance or lack thereof with the Trading Order by you or any other party.

- 7. All documents relating to or communications concerning the purchase or sale of any securities of NorthWestern Corporation (including, without limitation, QUIPS) by Defendants or any other creditor that NorthWestern Corporation contends resulted in injury to any creditor of NorthWestern Corporation between October 1, 2003 and the present.
- 8. All documents relating to or communications concerning any damages or injury suffered by you or any creditor of NorthWestern Corporation, which damages and injuries NorthWestern Corporation purports to allege in the Adversary Proceeding.
- 9. All documents relating to or communications concerning the identity any creditor of NorthWestern Corporation that has suffered damages or injuries, which damages and injuries NorthWestern Corporation purports to allege in the Adversary Proceeding.
- All documents relating to and communications regarding the Confidentiality 10. Agreement
  - All documents relating to and communications regarding the Trading Order. 11.
- 12. All documents relating to and communications regarding the Magten Proposed Trading Order.

### DEFINITIONS

The terms used herein shall have the meanings ascribed to them in the definitions set forth below:

- 1. "Adversary Proceeding" shall mean NorthWestern Corporation v. Magten Asset Management Corporation and Talton R. Embry, Case No. 04-55051 (JLP), United States Bankruptcy Court for the District of Delaware.
- 2. "Affiliates" means any person or entity controlled or managed by, controlling or under common control with any other person or entity.
  - 3. "All" means "any and all," and "any" means "any and all."
- 4. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

- 5. "Committee" shall mean the Official Committee of Unsecured Creditors of NorthWestern Corporation, and each individual member of the Committee, which members were initially appointed by the United States Trustee on October 1, 2003, and as such membership has changed from time to time and shall include agents, representatives, advisors and attorneys of the Committee.
- 6. "Concerning" includes referring to, relating to, embodying, in connection with, commenting on, responding to, showing, demonstrating, declaring, describing, analyzing, reflecting, containing or constituting.
- 7. "Confidentiality Agreement" shall mean that certain agreement executed by the members of the Committee dated as of December 18, 2003.
  - 8. "Defendants" shall mean Embry and Magten.
- 9. "Document" is used in the broadest sense and includes, but is not limited to, all originals, non-identical copies and copies with marginal notations or interlineations of any writing, recording, correspondence, communication, photograph, computer data (including e-mail), or any other item containing information of any kind or nature, however produced or reproduced, whatever its origin or location, and regardless of the form in which such information exists or is maintained.
- 10. "Documents relating to" means documents containing, constituting, showing or relating or referring in any way, directly or indirectly, and is meant to include, among other documents, documents underlying, supporting, now or previously attached or appended to, or used in the preparation of any document called for by each request.
- 11. "Embry" shall mean Talton R. Embry in his capacity as Chairman of Magten, including but not limited to Embry's present and former employees, agents, representatives and attorneys.
  - 12 "Including" means including, but not limited to.
- "Magten" shall mean Magten Asset Management Corporation and any person or entity acting or purporting to act on behalf of, at the direction of, or in concert with it, including

but not limited to present and former officers, directors, employees, agents, representatives and attorneys.

- 14. "Magten Proposed Trading Motion" shall mean that certain draft proposed motion to clarify the Trading Order, together with any other draft documents in support thereof, including but not limited to a draft form of order, circulated on or about February 5, 2004.
- "NorthWestern Corporation" shall mean NorthWestern Corporation, its Affiliates 15. and any parent, subsidiary, predecessor and successor, and any person or entity acting or purporting to act on behalf of, at the direction of, or in concert with it, including but not limited to NorthWestern Corporation's present and former officers, directors, employees, servants, agents, representatives, financial advisors and attorneys.
- "Person" includes any natural person, group, investigatory body, governmental 16. unit, governmental agency or department, corporation, association, partnership, limited partnership, joint venture, sole proprietorship, business, business entity, organization, or institution.
- "QUIPS" shall mean the Series A 8.45% Quarterly Income Preferred Securities 17. issued by Montana Capital I, a business trust established pursuant to the Delaware Business Trust Act.
- 18. "Trading Order" shall mean that certain order dated November 6, 2003 by the United States Bankruptcy Court for the District of Delaware Permitting Securities Trading Upon an Establishment of an Ethical Wall, and all documents filed in support thereof.
- 19. "You" or "your" shall mean HSBC Bank, USA, its Affiliates, and any person or entity acting or purporting to act on behalf of, at the direction of, or in concert with it, including but not limited to present and former officers, directors, employees, servants, agents, representatives and attorneys.

### INSTRUCTIONS

- 1 "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this request all responses that might otherwise be construed to be outside of its scope.
- References to the singular shall include the plural, and references to the plural shall include the singular.
- 3. The documents covered by this request include all documents in the possession, custody or control of you, or any documents that were generated or received by you or otherwise came into existence or were utilized by you from October 1, 2003 through the date of production.
- 4. A request for a document shall be deemed to include a request for any transmittal sheets, cover letters, exhibits, enclosures, or attachments to the document, and any file folder in which the document was maintained, in addition to the document itself.
- 5. A request for a document shall be deemed to include a request for all drafts and successive iterations thereof and all modifications thereto, in addition to the document itself.
- With respect to each document withheld from production on the ground of privilege or any similar claim, identify its author(s), recipient(s), addressee(s), date, subject matter, number of pages, attachments or appendices, present custodian, and identify the nature of, and grounds for, each claim of privilege.
- 7. If any of the documents requested herein were, but no longer are, in the possession, custody, or control of you, state what disposition was made of such documents, why, and include the date and place of disposition and the person(s) who disposed of the document(s).
- 8. The documents shall be produced in the order and form in which they have been maintained and the response hereto shall identify the individual from whose file(s), and indicate in response to which request, the document has been produced.

### Exhibit G

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EPS ATTORNEY SERVICE

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PAGE 02

B255 (11/97) Subpoons in an Adversary Proceeding

## United States Bankruptcy Court CENTRAL DISTRICT OF CALIFORNIA

in re SUBPOENA IN Northwestern Corporation, AN ADVERSARY PROCEEDING Reorganized Debtor Case No. 03-12872 (JLP) Chapter 11 Pending in the U.S. Bankruptcy Court for the District of Delaware Northwestern Corporation, Plaintiff Adv. Proc. No. 04-55051 Magten Asset Management Corporation Pending in the U.S. Bankruptcy Court and Tallon R. Embry, for the District of Delaware Defendants OCM Opportunities Fund, IV, L.P. by person designated pursuant to Schedule A To: c/o Oaktree Capital Management, LLC 333 South Grand Avenue, 28th Floor Los Angeles, CA 90071 YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above adversary proceeding, PLACE COURTROOM DATE AND TIME YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above adversary proceeding. PLACE Fried, Frank, Harris, Shriver & Jacobson LLP 350 South Grand Avenue, 32<sup>th</sup> Floor DATE AND TIME January 12, 2005 at 10:00 a.m. Los Angeles, CA 90071 YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Schedule B PLACE Fried, Frank, Harris, Shriver & Jacobson LLP DATE AND TIME 350 South Grand Avenue, 32th Floor Los Angeles, CA 90071 January 4, 2005 at 10:00 a.m. ☐ YOU ARE COMMANDED to permit Inspection of the following premises at the date and time specified below. PLACE DATE AND TIME Any subpoensed organization not a party to this adversary proceeding shall designate one or more officers, directors, or maneging agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed.R.Clv.P. 30(b)(6) made applicable in adversary proceedings by Rule 7030, Fed.R. Bankr.P. ISSUING OFFICER SIGNATURE AND TITLE
Afterney for Defendents mence ISSUING OFFICER'S NAME, ACORESS AND PHONE NUMBER 12/13/04 Bonnie Steingart, Esq. Fried, Frank, Harris, Shriver & Jacobson LLP One New York Plaza New York, NY 10004 (212) 859-8000

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PAGE 03

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B255 (11/97) Subpoons in an Adversary Proceeding

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ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Paris C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an allomey reaconsiste for the inscense and served of a subprene shall take reasonable short to evoid imposing undue burden or expense on a person subject to that subposens. The count on behalf of which the sumposens we have shall entered this duty and impose upon the perty or atterney to the perty or integration in the perty or inspection or premises and appear for deposition, bearing or list.

  (B) Subject to perspect (d)(2) of the rule, a power commended to produce any perty in perty or atterney to the perty or atterney to
  - JAN On Smoly motion, the bound by which a subposine was issued shall question areally the subposine V it
    - (i) but to allow reaconable lime for compliance
  - (ii) requires a person who is not a party or an officer of a party to knowled to place more that 100 miles from the phase where that person resides, is employed or regularly transacts business in person, except that, subject to like provident of clause (c)(3)(6)(4) of this rule such a person may in order to priend that be commanded to travel from any such place within the state in which like that is held, or
    - (iii) requiring disclosure of privilegood or other protocled marter and no acceptation or wakes applies, or
    - (iv) Subjects a porson to under burden.
  - (B) If a subposesa
    - requires discourre of a tode secret or other craftderlish respect, development, or commercial information, or
  - marking disclosure of an uninteland experts opinion or in-immelion and describing specific events or countraces in dispute and resulting from the experts study made not at the request of any party, or
  - (ii) require a person who is not a posty or an officer of a party to how substantial exponent to shared more than 100 miles to at each right the court may, to protect a person subject to or affected by the subspaces, quash or modify the subposes, or, if the party in whose behelf the subposes is issued shared as substantial for the distinctive regularity for installial that cannot be otherwise and without under harders and statutes that the person to whom the subposes is addressed will be reasonably compensated, the court may order appearances or production only upon specified contributes.
- (d) DUTIES IN RESPONDING TO SUEPDENA
- (f) A person temperating to a subposers to produce documents shall produce them as they are kept in the two-leaves of business or shall organize and taget from to correspond with the categories in the domains.
- (2) When information subject to a subposes is withheld on a claim that it is privileged or subject to protection as tripl propergroun materials, the information to an area of supported by a description of the decuments, communications, or things not produced that is sufficient to smoke the decuments party to contest the chilling

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### Schedule A

On January 12, 2005 at 10:00 a.m. Pacific Standard Time at the office of Fried, Frank, Harris, Shriver & Jacobson LLP, 350 South Grand Avenue, 32nd Floor, Los Angeles, California the attorneys for Magten Asset Management Corporation and Talton R. Embry will take the deposition of a representative or representatives of OCM Opportunities Fund, IV, L.P., pursuant to Fed. R. Civ. P. 30(b)(6) made applicable by Fed. R. Bankr. P. 7030, upon oral examination before a Notary Public, or some other official authorized by law to take depositions. The deposition shall be recorded by stenographic means and/or by videotape. The oral examination will continue from day to day until completed.

This deposition is being taken for pre-trial discovery, for use at trial, and for such other purposes as permitted by law. You are invited to attend and take such part as fit and proper. The deponent is hereby advised of its duty to designate and produce one or more persons to testify on its behalf as to the matters of examination listed below for the time period October 1, 2003 to the present:

- The chapter 11 case of North Western Corporation, including, but not limited to 1. those issues related to or involving the Committee or either Defendant.
- Any confidential or non-public documents concerning NorthWestern Corporation provided to either Defendant.
- Any communications concerning confidential or non-public documents, 3. information, or communications provided to or discussed with either Defendant concerning NorthWestern Corporation.
- 4. Any and all documents, communications or documents relating to communications concerning, involving, or relating to Defendants, Defendants' purchases and sales of QUIPS, or Defendants' involvement with the Committee.
- Any actual or potential damages or injury suffered by you or any creditor of NorthWestern Corporation as a result of the acts or omissions alleged in the Complaint.

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- The meetings or teleconferences of the Committee, including, but not limited to б. meetings or teleconferences between the Committee and third parties or between the Committee and NorthWestern Corporation, and any materials distributed at or in preparation for such meetings or teleconferences, and any documents related to or communications concerning such meetings or teleconferences.
- Your compliance with the Trading Order and the compliance or lack thereof of 7. any person subject to the Trading Order.
- Your compliance with the Confidentiality Agreement and the compliance or lack ĝ. thereof of any person subject to the Confidentiality Agreement.
- Your knowledge of communications in this case between you and any other Person, including but not limited to NorthWestern Corporation or the Committee, concerning involving or relating to either Defendant.
- Your purchases and sales of securities of or claims against North Western 10. Corporation.
- 11. The efforts undertaken to respond to the request for documents set out in Schedule B to this Subpoena and the contents of those responsive documents.

### Schedule B

- 1. All documents relating to or referring to communications between you and either Defendant.
- All non-public, confidential documents concerning NorthWestern Corporation provided to either Defendant by you.
- All documents relating to or referring to communications between you and any other party relating to either Defendant.
- All documents and communications relating to the purchase or sale of the QUIPS 4. by either Defendant.
- All documents relating to and communications referring to the purchase or sale of securities of NorthWestern Corporation by you.

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EPS ATTORNEY SERVICE

PAGE 05

- All documents relating to and communications referring to the compliance or lack 6. thereof with the Trading Order by you or any other party.
- All documents relating to or communications concerning the purchase or sale of any securities of NorthWestern Corporation (including, without limitation, QUIPS) by Defendants or any other creditor that NorthWestern Corporation contends resulted in injury to any creditor of NorthWestern Corporation between October 1, 2003 and the present.
- All documents relating to or communications concerning any damages or injury 8. suffered by you or any creditor of NorthWestern Corporation, which damages and injuries NorthWestern Corporation purports to allege in the Adversary Proceeding.
- All documents relating to or communications concerning the identity of any creditor of NorthWestern Corporation that has suffered damages or injuries, which damages and injuries NorthWestern Corporation purports to allege in the Adversary Proceeding.
- All documents relating to and communications regarding the Confidentiality 10. Agreement.
  - All documents relating to and communications regarding the Trading Order. 11.
- 12. All documents relating to and communications regarding the Magten Proposed Trading Order.

### DEFINITIONS

The terms used herein shall have the meanings ascribed to them in the definitions set forth below:

- "Adversary Proceeding" shall mean NorthWestern Corporation v. Magten Asset 1. Management Corporation and Talton R. Embry, Case No. 04-55051 (JLP), United States Bankruptcy Court for the District of Delaware.
- "Affiliates" means any person or entity controlled or managed by, controlling or under common control with any other person or entity.
  - "All" means "any and all," and "any" means "any and all." 3.

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"Communication" means the transmittal of information (in the form of facts, 4. ideas, inquiries or otherwise).

- "Committee" shall mean the Official Committee of Unsecured Creditors of 5. NorthWestern Corporation, and each individual member of the Committee, which members were initially appointed by the United States Trustee on October 1, 2003, and as such membership has changed from time to time and shall include agents, representatives, advisors and attorneys of the Committee.
- б. "Concerning" includes referring to, relating to, embodying, in connection with, commenting on, responding to, showing, demonstrating, declaring, describing, analyzing, reflecting, containing or constituting.
- "Confidentiality Agreement" shall mean that certain agreement executed by the 7. members of the Committee dated as of December 18, 2003.
  - 8. "Defendants" shall mean Embry and Magten.
- "Document" is used in the broadest sense and includes, but is not limited to, all 9. originals, non-identical copies and copies with marginal notations or interlineations of any writing, recording, correspondence, communication, photograph, computer data (including email), or any other item containing information of any kind or nature, however produced or reproduced, whatever its origin or location, and regardless of the form in which such information exists or is maintained.
- "Documents relating to" means documents containing, constituting, showing or 10. relating or referring in any way, directly or indirectly, and is meant to include, among other documents, documents underlying, supporting, now or previously attached or appended to, or used in the preparation of any document called for by each request.
- "Embry" shall mean Talton R. Embry in his capacity as Chairman of Magten, including but not limited to Embry's present and former employees, agents, representatives and attorneys.
  - "Including" means including, but not limited to. 12.

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- "Magten" shall mean Magten Asset Management Corporation and any person or 13. entity acting or purporting to act on behalf of, at the direction of, or in concert with it, including but not limited to present and former officers, directors, employees, agents, representatives and atlomeys.
- "Magten Proposed Trading Motion" shall mean that certain draft proposed motion 14. to clarify the Trading Order, together with any other draft documents in support thereof, including but not limited to a draft form of order, circulated on or about February 5, 2004.
- "NorthWestern Corporation" shall mean NorthWestern Corporation, its Affiliates 15. and any parent, subsidiary, predecessor and successor, and any person or entity acting or purporting to act on behalf of, at the direction of, or in concert with it, including but not limited to NorthWestern Corporation's present and former officers, directors, employees, servants, agents, representatives, financial advisors and attorneys.
- "Person" includes any natural person, group, investigatory body, governmental 16. unit, governmental agency or department, corporation, association, partnership, limited partnership, joint venture, sole proprietorship, business, business entity, organization, or institution.
- "QUIPS" shall mean the Series A 8.45% Quarterly Income Preferred Securities 17. issued by Montana Capital I, a business trust established pursuant to the Delaware Business Trust Act.
- "Trading Order' shall mean that certain order dated November 6, 2003 by the 18. United States Bankruptcy Court for the District of Delaware Permitting Securities Trading Upon an Establishment of an Ethical Wall, and all documents filed in support thereof.
- 19. "You" or "your" shall mean OCM Opportunities Fund, IV, L.P., its Affiliates, and any person or entity acting or purporting to act on behalf of, at the direction of, or in concert with it, including but not limited to present and former officers, directors, employees, servants, agents, representatives and attorneys

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PAGE 09

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### INSTRUCTIONS

- "And" as well as "or" shall be construed either disjunctively or conjunctively as ι. necessary to bring within the scope of this request all responses that might otherwise be construed to be outside of its scope.
- 2. References to the singular shall include the plural, and references to the plural shall include the singular.
- The documents covered by this request include all documents in the possession. 3, custody or control of you, or any documents that were generated or received by you or otherwise came into existence or were utilized by you from October 1, 2003 through the date of production.
- A request for a document shall be decined to include a request for any transmittal sheets, cover letters, exhibits, enclosures, or attachments to the document, and any file folder in which the document was maintained, in addition to the document itself.
- A request for a document shall be deemed to include a request for all drafts and 5. successive iterations thereof and all modifications thereto, in addition to the document itself.
- With respect to each document withheld from production on the ground of 6. privilege or any similar claim, identify its author(s), recipient(s), addressee(s), date, subject matter, number of pages, attachments or appendices, present custodian, and identify the nature of, and grounds for, each claim of privilege.
- If any of the documents requested herein were, but no longer are, in the possession, custody, or control of you, state what disposition was made of such documents, why, and include the date and place of disposition and the person(s) who disposed of the document(s).
- 8. The documents shall be produced in the order and form in which they have been maintained and the response hereto shall identify the individual from whose file(s), and indicate in response to which request, the document has been produced.

### Exhibit H

DEC. -14' 04 (TUE) 14:04 23D FFHS&J LLP

TEL:212 859 8583212 8583

P. 002

B255 (11/97) Subposna in an Adversary Proceeding

# United States Bankruptcy Court SOUTHERN DISTRICT OF NEW YORK

In re Northwestern Corporation. Reorganized Debtor  Northwestern Corporation, Plaintiff	SUBPOENA IN AN ADVERSARY PROCEEDING Case No. 03-12872 (JLP) Chapter 11 Pending in the U.S. Bankruptcy Court for the District of Delaware
V. Magten Asset Management Corporation and Talton R. Embry, Defendants	Adv. Proc. No. 04-55051 Pending in the U.S. Benkruptcy Court for the District of Delaware
New York, NY 10019-6064  YOU ARE COMMANDED to appear in the United specified below to testify in the above adversary pro-	LP by person designated pursuant to Schedule A  d States Benkruptcy Court at the place, date, and time ceeding.
PLACE	COURTROOM
	DATE AND TIME
deposition in the above adversary proceeding.  PLACE Fried, Frank, Harris, Shriver & Jacobson L One New York Plaza New York, NY 10004	LP  DATE AND TIME January 19, 2005 at 10:00 a.m.
Party and and opening below (	t inspection and copying of the following documents or list documents or objects): See attached Schedule B
PLACE Fried, Frank, Harris, Shriver & Jacobson Li One New York Plaza	LP DATE AND TIME
New York, NY 10004	January 4, 2005 at 10:00 a.m.
	the following premises at the date and time specified below.
PLACE	DATE AND TIME
Any subpoensed organization not a party to this adversaries, or managing agents, or other persons who person designated, the matters on which the person adversary proceedings by Rule 7030, Fed.R.Bankr.P.	ersary proceeding shall designate one or more officers, consent to testify on its behalf, and may set forth, for each will testify, Fed.R.Civ.P. 30(b)(6) made applicable in
ISSUING OFFICER SIGNATURE AND TITLE Attorney for Defendants	DATE 1/2/04/
ISSUING OFFICER'S NAME, AODRESS AND PHONE NUMBER Bonnie Steingart, Esq. Fried, Frank, Harris, Shriver & Jacobson LLP One New York Plaza New York, NY 10004 (212) 859-8000	. 12/13/04

DEC. -14' 04 (TUE) 14:04 23D FFHS&J LLP TEL:212 859 8583212 8583

P. 003

B255 (11/97) Subpoens in an Adversary Proceeding

PROOF OF SERVICE	
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SERVED ON (PRINT NAME)	MANNER OF SERVICE
SERVED BY (PRINT NAME)	TITLE
DECLARATION OF SERVER	
I declare under penalty and perjury under the laws of the United States of America that the	
foregoing information contained in the Proof of Service is true and correct.	
Executed on	SIGNATURE OF SERVER
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- (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.
- (1) A party or an attempty responsible for the transmission and service of a subposens shall take reasonable stope to avoid imposing undue burden or exponse on a perion subject to that subposens. The court on behalf of which the subposens was issued stail enforces trife duty and impose upon the party or attempty in breach of this duty an appropriate sentition, which may include, but is not limited to lost earnings and a reasonable attempty's feet.
- (2XA) A person commanded to produce and pormit inspection and copying of designated books, papers, documents or tangible things, or inspection of promises need not appear in person at the place of production or inspection unloss commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit haspection and copying may, within 14 days ofter service of the subposes or before the time specified for compliance if such time is less than 14 days other service, serve upon the party or statemey designated in the subposes written objection to inspection or copying of any or sail of the designated materials or of the premises. If objection is made, the party serving the subposes whiten objection to provide the premises except pursuant to an order of the court by which the subposes was issued. If objection has been made the party serving the subposes may, upon notice to the person commanded to produce, move at any time for an order to compet the production. Such an order to compet production shall protect any person who is not a party or an officer of a party strun significant expense resulting from the inspection and copying commanded.
  - 3(A) On timely motion, the country which a subpoens was issued shall question modify the subpoens if it
    - falls to allow ressonable time for compliance;
  - (ii) requires a person who is not a party or an officer of a party to travel to a piece more that 100 miles from the place where that person residue, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(3)(iii) of this rule such a person may in order to attend that be commanded to travel from any such place within the state in which the titel is held, or
    - (iii) requires disclosure of privileged or other protected matter and no exception or walver applies, or
    - (iv) Bublacts a person to undue burden.
  - (B) If a subpoons
    - requires disclosure of a trade secret or other confidential research, development, or commercial information, or
  - (ii) requires disclosure of an unrotated experts opinion or in-formation not describing specific events or occurrences in dispute and requiring from the experts study made not at the request of any party, or
  - (III) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to at tond trial, the court may, to protect a person subject to or effected by the subposes, quesh or modify the subposes, or, if the party in whose behalf the subposes is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardelip and assured that the person to whom the subposes is addressed will be measured. The court may order appearances or production only upon specified conditions.
- (d) DUTIES IN RESPONDING TO SUBPOENA.
- A parson responding to a subpoens to produce documents shall produce them as they are kept in the usual course of business or shall organize and tabel them to correspond with the categories in the demand.
- (2) When information subject to a subposed is withheld on a claim that it is privileged or subject to protection as trial proparation materials, the claim shall be expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

DEC. -14' 04 (TUE) 14:05 23D FFHS&J LLP

TEL: 212 859 8583212 8583

P. 004

### Schedule A

On January 19, 2005 at 10:00 a.m. E.S.T. at the office of Fried, Frank, Harris, Shriver & Jacobson, LLP One New York Plaza, New York, New York the attorneys for Magten Asset Management Corporation and Talton R. Embry will take the deposition of a representative or representatives of Paul, Weiss, Rifkind, Wharton & Garrison LLP ("Paul Weiss"), pursuant to Fed. R. Civ. P. 30(b)(6) made applicable by Fed. R. Bankr. P. 7030, upon oral examination before a Notary Public, or some other official authorized by law to take depositions. The deposition shall be recorded by stenographic means and/or by videotape. The oral examination will continue from day to day until completed.

This deposition is being taken for pre-trial discovery, for use at trial, and for such other purposes as permitted by law. You are invited to attend and take such part as fit and proper. The deponent is hereby advised of its duty to designate and produce one or more persons to testify on its behalf as to the matters of examination listed below for the time period October 1, 2003 to the present;

- The chapter 11 case of NorthWestern Corporation, including, but not limited to 1. those issues related to or involving the Committee or either Defendant.
- Any confidential or non-public documents concerning NorthWestern Corporation 2. provided to either Defendant.
- Any communications concerning confidential or non-public information, documents or communications provided to or discussed with either Defendant concerning NorthWestern Corporation.
- Any and all documents, communications or documents relating to communications concerning, involving, or relating to Defendants, Defendants' purchases and sales of QUIPS, or Defendants' involvement with the Committee.
- Any actual or potential damages or injury suffered by the Committee, any member of the Committee, or any creditor of NorthWestern Corporation as a result of the acts or omissions alleged in the Complaint.

P. 005

- The meetings or teleconferences of the Committee, including, but not limited to 6. meetings or teleconferences between the Committee and third parties or between the Committee and NorthWestern Corporation, and any materials distributed at or in preparation for such meetings or teleconferences, and any documents related to or communications concerning such meetings or teleconferences.
  - 7. The compliance or lack thereof of any person subject to the Trading Order.
- 8. The compliance or lack thereof of any person subject to the Confidentiality Agreement.
- 9. Your knowledge of communications in this case between you and any other Person, including but not limited to NorthWestern Corporation, the Committee or any member of the Committee, concerning involving or relating to either Defendant.
- 10. The efforts undertaken to respond to the request for documents set out in Schedule B to this Subpoena and the contents of those responsive documents.

### Schedule B

- 1. All documents relating to or referring to communications between the Committee and either Defendant.
- All non-public, confidential documents concerning NorthWestern Corporation provided to either Defendant.
- 3. All documents relating to or referring to communications between the Committee and any other party relating to either Defendant.
- All documents and communications relating to the purchase or sale of the QUIPS by either Defendant.
- All documents relating to and communications referring to the purchase or sale of securities of NorthWestern Corporation by members of the Committee.
- All documents relating to and communications referring to the compliance or lack thereof with the Trading Order by and person subject to the Trading Order.

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TEL: 212 859 8583212 8583

- All documents relating to or communications concerning the purchase or sale of 7. any securities of NorthWestern Corporation (including, without limitation, QUIPS) by Defendants or any other creditor that NorthWestern Corporation contends resulted in injury to any creditor of NorthWestern Corporation between October 1, 2003 and the present.
- All documents relating to or communications concerning any damages or injury 8. suffered by any creditor of NorthWestern Corporation, which damages and injuries NorthWestern Corporation purports to allege in the Adversary Proceeding.
- 9, All documents relating to or communications concerning the identity of any creditor of NorthWestern Corporation that has suffered damages or injuries, which damages and injuries NorthWestern Corporation purports to allege in the Adversary Proceeding.
- All documents relating to communications regarding the Confidentiality 10. Agreement.
  - All documents relating to and communications regarding the Trading Order. 11.
- All documents relating to and communications regarding the Magten Proposed 12. Trading Order.
- All documents relating to and communications regarding any policies or 13. procedures with respect to the treatment of the confidential, non-public information of NorthWestern Corporation by the Committee or its members.

### **DEFINITIONS**

The terms used herein shall have the meanings ascribed to them in the definitions set forth below:

- "Adversary Proceeding" shall mean North Western Corporation v. Magten Asset 1. Management Corporation and Talton R. Embry, Case No. 04-55051 (JLP), United States Bankruptcy Court for the District of Delaware.
- 2, "Affiliates" means any person or entity controlled by, controlling or under common control with any other person or entity.
  - 3. "All" means "any and all," and "any" means "any and all."

- P. 007
- "Communication" means the transmittal of information (in the form of facts, 4. ideas, inquiries or otherwise).
- "Committee" shall mean the Official Committee of Unsecured Creditors of 5. NorthWestern Corporation, and each individual member of the Committee, which members were initially appointed by the United States Trustee on October 1, 2003, and as such membership has changed from time to time and shall include agents, representatives, advisors and attorneys of the Committee.
- "Concerning" includes referring to, relating to, embodying, in connection with, б. commenting on, responding to, showing, demonstrating, declaring, describing, analyzing, reflecting, containing or constituting.
- "Confidentiality Agreement" shall mean that certain agreement executed by the 7. members of the Committee dated as of December 18, 2003.
  - 8. "Defendants" shall mean Embry and Magten.
- "Document" is used in the broadest sense and includes, but is not limited to, all 9. originals, non-identical copies and copies with marginal notations or interlineations of any writing, recording, correspondence, communication, photograph, computer data (including email), or any other item containing information of any kind or nature, however produced or reproduced, whatever its origin or location, and regardless of the form in which such information exists or is maintained.
- "Documents relating to" means documents containing, constituting, showing or 10. relating or referring in any way, directly or indirectly, and is meant to include, among other documents, documents underlying, supporting, now or previously attached or appended to, or used in the preparation of any document called for by each request,
- "Embry" shall mean Talton R. Embry in his capacity as Chairman of Magten, including but not limited to Embry's present and former employees, agents, representatives and attorneys,
  - 12. "Including" means including, but not limited to.

DEC. -14' 04 (TUE) 14:06 23D FFHS&J LLP

TEL:212 859 8583212 8583

P. 008

- "Magten" shall mean Magten Asset Management Corporation and any person or 13. entity acting or purporting to act on behalf of, at the direction of, or in concert with it, including but not limited to present and former officers, directors, employees, agents, representatives and attorneys.
- "Magten Proposed Trading Motion" shall mean that certain draft proposed motion 14. to clarify the Trading Order, together with any other draft documents in support thereof, including but not limited to a draft form of order, circulated on or about February 5, 2004.
- "NorthWestern Corporation" shall mean NorthWestern Corporation, its Affiliates 15. and any parent, subsidiary, predecessor and successor, and any person or entity acting or purporting to act on behalf of, at the direction of, or in concert with it, including but not limited to NorthWestern Corporation's present and former officers, directors, employees, servants, agents, representatives, financial advisors and attorneys.
- "Person" includes any natural person, group, investigatory body, governmental 16. unit, governmental agency or department, corporation, association, partnership, limited partnership, joint venture, sole proprietorship, business, business entity, organization, or institution.
- "QUIPS" shall mean the Series A 8.45% Quarterly Income Preferred Securities 17. issued by Montana Capital I, a business trust established pursuant to the Delaware Business Trust Act.
- "Trading Order" shall mean that certain order dated November 6, 2003 by the 18. United States Bankruptcy Court for the District of Delaware Permitting Securities Trading Upon an Establishment of an Ethical Wall, and all documents filed in support thereof.

### INSTRUCTIONS

"And" as well as "or" shall be construed either disjunctively or conjunctively as 1. necessary to bring within the scope of this request all responses that might otherwise be construed to be outside of its scope.

TEL:212 859 8583212 8583

P. 009

- References to the singular shall include the plural, and references to the plural 2. shall include the singular.
- The documents covered by this request include all documents in the possession, 3. custody or control of Paul Weiss, or any documents that were generated or received by Paul Weiss or otherwise came into existence or were utilized by Paul Weiss from October 1, 2003 through the date of production.
- A request for a document shall be deemed to include a request for any transmittal 4. sheets, cover letters, exhibits, enclosures, or attachments to the document, and any file folder in which the document was maintained, in addition to the document itself.
- A request for a document shall be deemed to include a request for all drafts and 5. successive iterations thereof and all modifications thereto, in addition to the document itself.
- With respect to each document withheld from production on the ground of 6. privilege or any similar claim, identify its author(s), recipient(s), addressee(s), date, subject matter, number of pages, attachments or appendices, present custodian, and identify the nature of, and grounds for, each claim of privilege.
- If any of the documents requested herein were, but no longer are, in the possession, custody, or control of Paul Weiss, state what disposition was made of such documents, why, and include the date and place of disposition and the person(s) who disposed of the document(s).
- 8. The documents shall be produced in the order and form in which they have been maintained and the response hereto shall identify the individual from whose file(s), and indicate in response to which request, the document has been produced.

Case 1:05-cv-00548-JJF Document 27-3 Filed 02/16/2007 Page 38 of 49

# Exhibit I

WILMINGTON TRUST

Hand Server 30 pm ABA

OURT 314104 2:30 pm ABA

B255 (11/97) Subponna	h an Advorcary Proceeding
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United States Bankruptcy Court

SUBPOENA IN AN ADVERSARY PROCEEDING Case No. 03-12872 (JLP) Chapter 11 Pending in the U.S. Bankruptcy Court for the District of Delaware
Adv. Proc. No. 04-56051 DEC 2 0 2004 for the District of Delaware
nated pursuant to Schedule A
States Bankruptcy Court at the place, date, and time seeding
COURTROOM
DATE AND TIME
date, and time specified below to testify at the taking of a
DATE AND TIME January 14, 2005 at 1:00 p.m.
inspection and copying of the following documents or ist documents or objects): See attached Schedule B
DATE AND TIME
January 4, 2005 at 10:00 a.m.
ne following premises at the date and time specified below.
DATE AND TIME
sary proceeding shall designate one or more officers, consent to testify on its behalf, and may set forth, for each all testify, Fed.R.Ctv.P. 30(b)(6) made applicable in
DATE
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B255 (11/97) Subpoons in an Adversary Proceeding

PROOF OF SERVICE	
SERVED CATE	PLACE
SERVED ON (FRINT NAME)	MANNER OF BERVICE
SERVED BY (PRINT NAME)	TITLE
DECLARATION OF SERVER	
I declare under penalty and perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.	
Executed on	SIGNATURE OF SERVER
Rule 46, Federal Rules of Civil Procedure, Parts C & O:	ADDRESS OF SERVER

- (c) PROTECTION OF PERSONS SUBJECT TO SUBPORNAS.
- (1) A party or on attermay responsible for the issuance and service of a subportion shall lake responsible stops to evoid imposing undue bursto or expense on a parson subject to that subportion. The court on behalf of which this subportion was issued that enforce this duty and impose upon the party or murmay in breach of this duty as appropriate serrodion, which may are use to the interest and a reasonable atterney's tee.

ish appropriote sametion. Which may include, but is not limited to fort earnings and a reasonable attorney a tae.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or sample things, or inspection of premises need papers in person as the place of production of inspection infects commanded to appear for deposition, hearing or intol.

(3) Sobject to paragraph (6)(2) of this rule, a person coordinated to produce and permit inspection and copying may, which is it don't like such a person of the person and copying may, which is it does than it days after earlies are supen the party or attempt designated in the adoptions whiten objection to copying of any or all of this designated majorials or of the positions. If objection is made, the party strating the subspected which is contained and inspection or copying of any or attempt designated majorials or of the person commanded to produce, moved only the person who is positioned to the person commanded to produce, moved any time for an order to compell the production. Such an attest to compel production shall protect any person who is not at party or an official of a party form significant expense resulting from the inspection and copying commanded.

On dimeter median. The could be which a subconant was instead aboli cours to or made it is subconant if a

- 3(A) On driving motion, the could by which a subposite was issued shall quest or modify the subposite if A
  - (i) take to allow reasonable time for compliance;
- (i) requires a person who is not a party or an efficer of a party to bravel to a place more that 100 miles from the place where that person resides, is employed commanded to travel from any such place with the sales in which the last is held, or
  - (ii) rapplies disclosure of privileged or other protected matter and no exception or valver applies, or
  - (N) subjects a person to undue burden.
- (0) If a subpomis
  - (i) requires disclosure of a maco secret or other confidences research, development, or commercial information, or
- tedings and monthly department of the source of the second study made not at the request of any party, or
- struy made not at the request of any party, or

  (ii) requires a point on who is not a party or an officer of a party to incur substantiol empands to travel more than 100 miles to at fond that, the court may, to project a person subject to a infected by the subpotent, quest or motify the subpotent, or, if the party in whose behalf the subpotent is substantial more material that cannot be observed and whole under handship and assures that the person to whom the subpotent is addressed will be reconsided, the certainty order opposition only upon appetition or production only upon appetition or production only upon appetition. (d) DUTIES IN RESPONDING TO SUBPORNA
- (1) A person removeding to a subpoons to product documents that product them as they are kept in the usual course of business of shall organize and label them to consepond with the categories in the demand.
- to correspond with the energians at the united to a subported in withhald on a claim that it is privileged or subject to protection as that preparation materials, the cisim shall be made expressly and shall be supported by a description of the network five documents, communications, or things not produced that is sufficient to enable the demonding party to

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## Schedule A

On January 14, 2005 at 1:00 p.m. E.S.T. at the office of Blank Rome LLP, 1201 Market Street, Suite 800, Wilmington, DE 19801the attorneys for Magten Asset Management Corporation and Talton R. Embry will take the deposition of a representative or representatives of Wilmington Trust Company, pursuant to Fed. R. Civ. P. 30(b)(6) made applicable by Fed. R. Bankr. P. 7030, upon oral examination before a Notary Public, or some other official authorized by law to take depositions. The deposition shall be recorded by stenographic means and/or by videotape. The oral examination will continue from day to day until completed.

This deposition is being taken for pre-trial discovery, for use at trial, and for such other purposes as permitted by law. You are invited to attend and take such part as fit and proper. The deponent is hereby advised of its duty to designate and produce one or more persons to testify on its behalf as to the matters of examination listed below for the time period October 1, 2003 to the present:

- The chapter 11 case of NorthWestern Corporation, including, but not limited to those issues related to or involving the Committee or either Defendent.
- Any confidential or non-public documents concerning NorthWestern Corporation provided to either Defendant by you or the Committee.
- Any communications concerning confidential or non-public documents, information, or communications provided to or discussed with either Defendant concerning NorthWestern Corporation.
- 4. Any and all documents, communications or documents relating to communications concerning, involving, or relating to Defendants, Defendants' purchases and sales of QUIPS, or Defendants' involvement with the Committee.
- Any actual or potential damages or injury suffered by you or any creditor of NorthWestern Corporation as a result of the acts or omissions alleged in the Complaint.
- 6. The meetings or teleconferences of the Committee, including, but not limited to meetings or teleconferences between the Committee and third parties or between the Committee

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and NorthWestern Corporation, and any materials distributed at or in preparation for such meetings or teleconferences, and any documents related to or communications concerning such meetings or teleconferences.

- 7. Your compliance with the Trading Order and the compliance or lack thereof of any person subject to the Trading Order.
- 8. Your compliance with the Confidentiality Agreement and the compliance or lack thereof of any person subject to the Confidentiality Agreement.
- 9. Your knowledge of communications in this case between you and any other Person, including but not limited to NorthWestern Corporation or the Committee, concerning involving or relating to either Defendant.
- 10. Your purchases and sales of securities of or claims against NorthWestern Corporation.
- 1). The efforts undertaken to respond to the request for documents set out in Schedule B to this Subpoens and the contents of those responsive documents.

## Schedule B

- 1. All documents relating to or referring to communications between you and either Defendant.
- All non-public, confidential documents concerning NorthWestern Corporation provided to either Defendant by you.
- All documents relating to or referring to communications between you and any other party relating to either Defeudant.
- 4 All documents and communications relating to the purchase or sale of the QUIPS by either Defendant.
- 5. All documents relating to and communications referring to the purchase or sale of securities of NorthWestern Corporation by you
- 6. All documents relating to and communications referring to the compliance or lack thereof with the Trading Order by you or any other party.

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- 7. All documents relating to or communications concerning the purchase or sale of any securities of NorthWestern Corporation (including, without limitation, QUIPS) by Defendants or any other creditor that NorthWestern Corporation contends resulted in injury to any creditor of NorthWestern Corporation between October 1, 2003 and the present.
- 8. All documents relating to or communications concerning any damages or injury suffered by you or any creditor of NorthWestern Corporation, which damages and injuries NorthWestern Corporation purports to allege in the Adversary Proceeding.
- 9. All documents relating to or communications concerning the identity any creditor of NorthWestern Corporation that has suffered damages or injuries, which damages and injuries NorthWestern Corporation purports to allege in the Adversary Proceeding.
- All documents relating to and communications regarding the Confidentiality
   Agreement.
  - 11. All documents relating to and communications regarding the Trading Order.
- All documents relating to and communications regarding the Magten Proposed Trading Order.

# DEFINITIONS

The terms used herein shall have the meanings ascribed to them in the definitions set forth below:

- 1. "Adversary Proceeding" shall mean NorthWestern Corporation v. Magten Asset Management Corporation and Talton R. Embry, Case No. 04-55051 (JLP), United States Bankruptcy Court for the District of Delaware.
- "Affiliates" means any person or entity controlled or managed by, controlling or under common control with any other person or entity.
  - "All" means "any and all," and "any" means "any and all."
- 4. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

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Committee.

5. "Committee" shall mean the Official Committee of Unsecured Creditors of NorthWestern Corporation, and each individual member of the Committee, which members were initially appointed by the United States Trustee on October 1, 2003, and as such membership has changed from time to time and shall include agents, representatives, advisors and attorneys of the

- 6. "Concerning" includes referring to, relating to, embodying, in connection with, commenting on, responding to, showing, demonstrating, declaring, describing, analyzing, reflecting, containing or constituting.
- "Confidentiality Agreement" shall mean that certain agreement executed by the members of the Committee dated as of December 18, 2003.
  - "Defendants" shall mean Embry and Magten.
- 9. "Document" is used in the broadest sense and includes, but is not limited to, all originals, non-identical copies and copies with marginal notations or interlineations of any writing, recording, correspondence, communication, photograph, computer data (including e-mail), or any other item containing information of any kind or nature, however produced or reproduced, whatever its origin or location, and regardless of the form in which such information exists or is maintained.
- 10. "Documents relating to" means documents containing, constituting, showing or relating or referring in any way, directly or indirectly, and is meant to include, among other documents, documents underlying, supporting, now or previously attached or appended to, or used in the preparation of any document called for by each request.
- 11. "Embry" shall mean Talton R. Embry in his capacity as Chairman of Magten, including but not limited to Embry's present and former employees, agents, representatives and attorneys.
  - "Including" means including, but not limited to.
- 13. "Magten" shall mean Magten Asset Management Corporation and any person or entity acting or purporting to act on behalf of, at the direction of, or in concert with it, including

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but not limited to present and former officers, directors, employees, agents, representatives and attorneys.

- 14. "Magten Proposed Trading Motion" shall mean that certain draft proposed motion to clarify the Trading Order, together with any other draft documents in support thereof, including but not limited to a draft form of order, obculated on or about February 5, 2004.
- "NorthWestern Corporation" shall mean NorthWestern Corporation, its Affiliates and any parent, subsidiary, predecessor and successor, and any person or entity acting or purporting to act on behalf of, at the direction of, or in concert with it, including but not limited to NorthWestern Corporation's present and former officers, directors, employees, servants, agents, representatives, financial advisors and attorneys.
- "Person" includes any natural person, group, investigatory body, governmental 16. unit, governmental agency or department, corporation, association, partnership, limited partnership, Joint venture, sole proprietorship, business, business entity, organization, or institution...
- "QUIPS" shall mean the Series A 8.45% Quarterly Income Preferred Securities 17. issued by Montana Capital L a business trust established pursuant to the Delaware Business Trust Act.
- "Trading Order" shall mean that certain order dated November 6, 2003 by the 18. United States Bankruptcy Court for the District of Delaware Permitting Securities Trading Upon an Establishment of an Ethical Wall, and all documents filed in support thereof.
- "You" or "your" shall mean Wilmington Trust Company, its Affiliates, and any 19. person or cutity acting or purporting to act on behalf of, at the direction of, or in concert with it, including but not limited to present and former officers, directors, employees, servants, agents, representatives and attorneys.

WILMINGTON TRUST

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## INSTRUCTIONS

- "And" as well as "or" shall be construed either disjunctively or conjunctively as I. necessary to bring within the scope of this request all responses that might otherwise be construed to be outside of its scope.
- References to the singular shall include the plural, and references to the plural 2. shall include the singular.
- The documents covered by this request include all documents in the possession, 3. custody or control of you, or any documents that were generated or received by you or otherwise came into existence or were utilized by you from October 1, 2003 through the date of production.
- A request for a document shall be deemed to include a request for any transmittal 4. sheets, cover letters, exhibits, enclosures, or attachments to the document, and any file folder in which the document was maintained, in addition to the document itself.
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- If any of the documents requested herein were, but no longer are, in the 7. possession, custody, or control of you, state what disposition was made of such documents, why, and include the date and place of disposition and the person(s) who disposed of the document(s).
- The documents shall be produced in the order and form in which they have been rnaintained and the response heroto shall identify the individual from whose file(s), and indicate in response to which request, the document has been produced,

## CERTIFICATE OF SERVICE

I, Eric M. Sutty, do hereby certify that on this 6th day of January, 2005, I caused a true and correct copy of the attached Motion by the Committee for Protective Order Pursuant to Rule 7026(c) of the Federal Rules of Bankruptcy Procedure and Rule 26(c) of the Federal Rules of Civil Procedure to be served upon the following parties via electronic mail.

William E. Chipman, Jr., Esquire Greenberg Traurig, LLP The Brandywine Building 1000 West Street, Suite 1540 Wilmington, DE 19801 chipman@gtlaw.com

Jesse H. Austin, III, Esquire Paul, Hastings, Janofsky & Walker LLP 600 Peachtree Street, Suite 2400 Atlanta, GA 30309 jessaustin@paulhastings.com

Mark Kenney, Esquire Office of the United States Trustee 844 King Street, Suite 2313 Wilmington, DE 19801 Mark.kenney.usdoj.gov

Elio Battista, Jr., Esquire Blank Rome LLP 1201 Market Street, Suite 800 Wilmington, DE 19801 battista@blankrome.com

Bonnie Steingart, Esquire Gary L. Kaplan, Esquire Fried, Frank, Harris, Shriver & Jacobson LLP One New York Plaza New York, NY 10004 Gary.kaplan@ffhsj.com steinbo@ffhsj.com

John V. Snellings, Esquire

Nixon Peabody LLP 100 Summer Street Boston, MA 02110 jsnellings@nixonpeabody.com

Nancy Hunt, Courtroom Deputy U.S. Bankruptcy Court District of Delaware 824 N. Market Street, 3rd Flr. Wilmington, DE 19801 Nancy Hunt@deb.uscourts.gov

Dennis E. Glazer, Esquire Davis Polk & Wardwell 450 Lexington Avenue New York, NY 10017 Dennis.glazer@dpw.com

Robert J. Dehney, Esquire Morris, Nichols, Arsht & Tunnell 1201 N. Market Street P.O. Box 1347 Wilmington, DE 19899-1347 rdelney@mnat.com

Alan W. Kornberg, Esquire Ephraim I. Diamond, Esquire Margaret Phillips, Esquire James G. Wheaton, Esquire Paul, Weiss, Rifkind, Wharton & Garrison LLP 1285 Avenue of the Americas New York, NY 10019 akornberg@paulweiss.com EDiamond@paulweiss.com jwheaton@paulweiss.com mphillips@paulweiss.com

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Internal CM/ECF Live Database

Page 1 of 3

### File a Motion:

04-55051-CGC NorthWestern Corporation v. Magten Asset Management Corporation et al

## U.S. Bankruptcy Court

#### District of Delaware

Notice of Electronic Filing

The following transaction was received from Sutty, Eric Michael entered on 1/6/2005 at 7:03 PM EST and filed on 1/6/2005

Case Name: NorthWestern Corporation v. Magten Asset Management Corporation et al

**Case Number:** <u>04-55051-CGC</u>

Document Number: 78

### Docket Text:

Motion for Protective Order /Motion by the Committee for Protective Order Pursuant to Rule 7026(c) of the Federal Rules of Bankruptcy Procedure and Rule 26(c) of the Federal Rules of Civil Procedure (related document(s)[77]) Filed by OFFICIAL COMMITTEE OF UNSECURED CREDITORS (related document(s)[77]). Hearing scheduled for 1/7/2005 at 11:30 AM at Alternate Meeting Site. (Attachments: # (1) Proposed Form of Order # (2) Exh. A# (3) Exh. B# (4) Exh. C# (5) Exh. D# (6) Exh. E# (7) Exh. F# (8) Exh. G# (9) Exh. H# (10) Exh. I# (11) Certificate of Service) (Sutty, Eric)

The following document(s) are associated with this transaction:

#### Document description: Main Document

**Original filename:**L:\~Scan Jobs\9th Floor Scan Jobs\Walter\Northwestern\To Be E-Filed\Mtn for Protective Order 1-6-05\Mtn for Protective Order.pdf

# Electronic document Stamp:

[STAMP bkecfStamp\_ID=983460418 [Date=1/6/2005] [FileNumber=3334564-0] [8a1d29395f2dff54514567b50005c58e96a0769079f426f643ea94b87a4a99a1693aa 3b32a6d94b10c0c7af5e7d4d31f1a8fefe8de4eed926acb7d659d4961bc]]

## Document description: Proposed Form of Order

**Original filename:**L:\~Scan Jobs\9th Floor Scan Jobs\Walter\Northwestern\To Be E-Filed\Mtn for Protective Order 1-6-05\Proposed Order.pdf

### Electronic document Stamp:

[STAMP bkecfStamp\_ID=983460418 [Date=1/6/2005] [FileNumber=3334564-1] [64d01f2cbb1013f9c9e70a2a2b9fe24fea926dd25db0caa86345515ac036b1f364e2a bd38cafddf6c70aee6271bf7c77bca5d968a8aa9431a30452179a3c99a2]]

## Document description: Exh. A

Original filename:L:\~Scan Jobs\9th Floor Scan Jobs\Walter\Northwestern\To Be E-Filed\Mtn for Protective Order 1-6-05\Exh A.pdf

#### Electronic document Stamp:

[STAMP bkecfStamp\_ID=983460418 [Date=1/6/2005] [FileNumber=3334564-2] [3674a1bbb315d9adf6c126c6982fb1a4c5658a662bd1dcac5abbb5c2d9f7898a74e27 e5663d1a26a005fbdbfee91934607770c7409af5d3043d9c814f53e986b]]

### Document description: Exh. B

Original filename:L:\~Scan Jobs\9th Floor Scan Jobs\Walter\Northwestern\To Be E-Filed\Mtn for Protective Order 1-6-05\Exh B.pdf